

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARC BERLEY, Derivatively on Behalf of Walter &
Samuels, Inc.,

Plaintiff,

-against-

WILLIAM HESSE and LESLIE CROFT,

Defendants.

23-CV-10563 (PAC) (RFT)

ORDER

ROBYN F. TARNOFSKY, United States Magistrate Judge:

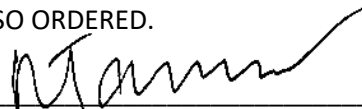
On February 1, 2024, Plaintiff filed his Second Amended Complaint (“SAC”) (ECF 14). The filing of the SAC was neither authorized nor contemplated by the existing scheduling order. (See ECF 13.) I scheduled and held a conference with the parties on February 7, 2024. At the conference, Defendants consented to the SAC and their intention, in light of a related arbitration proceeding, to make an application to stay discovery in this action.

Accordingly, it is ORDERED that the SAC is deemed to be the operative complaint. The briefing schedule for Defendants’ anticipated motion to dismiss the SAC is as follows: Defendants’ motion is due no by **March 19, 2024**, Plaintiff’s opposition is due by **April 23, 2024**, and Defendants’ reply is due by **May 8, 2024**.

Additionally, it is ORDERED that Defendants’ anticipation letter motion to stay discovery is due by **February 12, 2024**, and Plaintiff’s opposition is due by **February 20, 2024**.

DATED: February 7, 2024
New York, New York

SO ORDERED.



ROBYN F. TARNOFSKY

United States Magistrate Judge